



Republic of the Philippines  
**DEPARTMENT OF AGRICULTURE**  
 Regional Field Office XII  
 Brgy. Carpenter Hill, General Santos Drive  
 Koronadal City  
 Tel. No./Fax No. : 083-520-0460

ITB Reference No. : **3661484**  
 Contract Number : **2016-0111**

**CONTRACT OF CONSTRUCTION**

**MAR 18 2016**

This **AGREEMENT** is made and entered this day \_\_\_\_\_ of \_\_\_\_\_, 2016 between the **DEPARTMENT OF AGRICULTURE-RFO XII, KORONADAL CITY, PHILIPPINES**, represented by its **Regional Executive Director, AMALIA J. DATUKAN, MBA.** hereinafter called the **"First Party"** and **FREDEN CONSTRUCTION** with principal address at **Zone 7, Blk. 8, Brgy. Fatima, General Santos City**, represented by its **Proprietor, FREDDIE M. LAPADA** hereinafter called the **"Second Party"**;

**WITNESSETH**

Whereas, the **First Party** has a project of **Concreting of Lamsugod – Lamian FMR in Brgy. Lamsugod, Surallah, South Cotabato** with the Approved Budget for the Contract (ABC) of **Thirty-Five Million Eight Hundred Twenty-Four Thousand Two Hundred Eighty-Nine Pesos and 03/100 (Php35,824,289.03)**;

Whereas, the project shall be on **85/15** scheme wherein the **eighty-five percent (85%)** cost of the project shall be charged to **DA-RFO 12 SOCSKSARGEN Food Security Program CY 2016 Fund** and the **fifteen percent (15%)** cost shall be the **Provincial Local Government Unit (PLGU)** of **South Cotabato's** counterpart as shown below:

DA-12 SOCSKSARGEN Food Security Program (85%)	: Php30,450,645.68
PLGU South Cotabato (15%)	: 5,373,643.35
<b>Total Approved Budget for the Contract (ABC)</b>	<b>: Php35,824,289.03</b>

Whereas, a public bidding was conducted last February 24, 2016 with only one (1) bidder and **Freden Construction** owned by its **Proprietor, Freddie M. Lapada** was declared as **Single Calculated and Responsive Bid** in the amount of **Thirty-Five Million Six Hundred Twenty-Two Thousand Two Hundred Nine Pesos and 16/100 Only (Php35,622,209.16)**;

Whereas, the **First Party** has accepted the bid of the **Second Party** which shall be completed **within two hundred ninety-five (295) calendar days** upon receipt of **Notice to Proceed**, with the following **Project Description** and **Scope of Works**, to wit:

**Project Description** : Concreting of 3,858.28 l.m. road at 6.10 l.m. width and 20cm thickness with road shouldering on both sides, Construction of RCPC cross drainage structures with headwall, and slope protection structures

**Scope of Works:**  
**PCCP**

- SPCL "A" - Information Signboard : 1 l.s.
- Item 104 (1) - Embankment : 8,842.75 m<sup>3</sup>
- Item 105 - Sub Grade Preparation : 38,582.80 m<sup>2</sup>
- Item 201 - Aggregate Base Course (Base & Shoulder) : 9,954.36m<sup>3</sup>
- Item 311 - Portland Cement Concrete Pavement : 23,535.51 m<sup>2</sup>

**PIPE CULVERT**

- Item 101(1) - Removal of structures and Obstruction : 1 l.s.
- Item 103(6) - Structure Excavation : 10 m<sup>3</sup>
- Item 500(3a) - RCPC 910mm dia : 8.0 l.m.
- Item 103(4) - Back Fill : 5 m<sup>3</sup>

*Handwritten notes and signatures:*  
 Top left: "ffred" (signature)  
 Middle left: A hand-drawn sketch of a road cross-section with a curve and a vertical line.  
 Bottom left: "9" (handwritten number) and "ffh" (signature).

*Handwritten signature:* "Amalia J. Datukan"

**SLOPE PROTECTION**

Item 103	- Structure Excavation	: 420 m <sup>3</sup>
Item 505	- Grouted Riprap Class "A"	: 784.84 m <sup>3</sup>
Item 103(3)	- Foundation Fill	: 220 m <sup>3</sup>

Location : Brgy. Lamsugod, Surallah, South Cotabato

**NOW THEREFORE**, for and in consideration of the following premises, the parties hereto agreed as follows:

1. The following documents shall be deemed to form and be read and construed as part of this agreement, viz:
  - a) Funded and Approved Purchase Request;
  - b) Approved Programs of Works and Detailed Estimates;
  - c) Approved Plans and Designs;
  - d) Advertisement;
  - e) Approved Notice of Award;
  - f) Performance Bond;
  - g) PERT/CPM of equivalent schedule of work;
  - h) License copy of contractor;
  - i) Abstract of Bids for Bid project;
  - j) Resolution of the Bids and Awards Committee as the case may be; and
  - k) Other pertinent documents as may be reasonable required by the First Party.
2. In consideration of the payments to be made by the **First Party**, the **Second Party** hereby covenants/agrees with the Department of Agriculture to construct and completed the works in conformity with all aspects with the provisions of this contract;
3. The **First Party** hereby covenants to pay the **15% mobilization fee** of the total cost of the project to the **Second Party** as advance payment, upon compliance of the following:
  - a) **Letter request for 15% advance payment;**
  - b) **Standby irrevocable letter of credit/security bond/bank guarantee which corresponds to the amount of the 15% mobilization fee;**
  - c) **Installation of project billboard;**
  - d) **Construction of bunkhouse; and**
  - e) **Mobilization of initial equipment and personnel.**
4. The project shall be covered by retention money, in an amount equivalent to ten percent (10%) of the total contract price, or a bank guarantee in a form of an irrevocable stand-by letter of credit. Said amount shall be released after the completion of the project;
5. Should the **Second Party** incur delay, Section 68, Rule XXII of RA 9184, partly states, "xxx.The amount of the liquidated damages shall be at least equal to one tenth (1/10) of one percent (1%) of the cost of the unperformed portion of every day of delay. Xxx";
6. Other provisions of RA 9184 and its IRR not stipulated in this contract are deemed applicable; and
7. This agreement shall be valid and binding upon approval of both parties.

**IN WITNESS WHEREOF**, the parties hereto set their signatures on the day written above.

DEPARTMENT OF AGRICULTURE-REGION 12

by:   
**AMALIA J. DATUKAN, MBA**  
 Regional Executive Director

FREDEN CONSTRUCTION

by:   
**FREDDIE M. LAPADA**  
 Proprietor

REVIEWED AND WITNESSED BY:

*Jh*  
ENGR. GINALYN E. CACHUELA  
Project Manager  
SOCKSARGEN ADPO

*[Signature]*  
CARLENE C. COLMADO, CPA  
BAC Chairman

ALLOCATION OF FUNDS:

*[Signature]*  
RAKMA B. BUISAN  
Regional Budget Officer

AVAILABILITY OF FUNDS:

*[Signature]*  
ANNA MAE A. SIDEÑO  
OIC-Regional Accountant/  
Administrative Officer V

Prepared by:

*[Signature]*  
MONINA M. SALENDAB  
Head, BAC Secretariat

ACKNOWLEDGMENT

Republic of the Philippines)  
City of Koronadal)SS

Before me, a Notary Public for Koronadal City personally appeared the following:

NAME	Res. Cert.	Issued at	Issued on
1. Amalia J. Datukan, MBA	01095321	Koronadal City	January 20, 2016
2. Freddie M. Lapada	_____	_____	_____

Known to me to be the same persons who executed the foregoing documents and acknowledged that the same are their voluntary acts and deeds.

This instrument consists of three (3) pages including this page in which the acknowledgement is written, and signed in the left hand margin of each and every page thereof by parties and their witnesses.

Witness MY HAND AND SEAL, this MAR 18 2016 day of \_\_\_\_\_, 2016 at  
CITY OF KORONADAL SOUTH COTABATO

*[Signature]*  
VERONICA A. DONDIEGO  
NOTARY PUBLIC

UNTIL DECEMBER 31, 2016  
RPA NO. 1315981-01-05-16-GSC  
RTR NO. 1330211-01-04-16-KOR. CITY  
VOCLE EXEMPTION NO. V-000465  
ROLL OF ATTY. NO. 30229

Doc No. : 262  
Page No. : 53  
Book No. : 15  
Series of 2016